

Naples City Council

October 8, 2015

Minutes

The regularly scheduled meeting of the Naples City Council was held October 8, 2015, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, and Kenneth Reynolds. Dan Olsen was absent.

COUNCIL MEMBERS ATTENDING

Others attending were Hyrum Rousseau, Joel Brown, Kelly Joseph, Jim Harper, Liberty Best, Steve Evans, Cable Murray, Kordell Talayconptewa, Shauna Jo Eves, Shelly Sorensen, Connie Patton, Mark Watkins, Joshua Bake, and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dennis Long offered the invocation.

OPENING CEREMONY

Mayor Baker presented the agenda for approval. Robert Hall **moved** to approve the agenda. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

Mayor Baker presented the minutes of the September 10, 2015 regular City Council meeting for approval. Dennis Long **moved** to approve the minutes. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Nothing was brought forward to discuss.

Connie Patton presented the bills in the amount of \$38,697.46 and asked for approval to pay them. Dennis Long **moved** to approve \$38,697.46. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

Robert Hall	Aye
Dan Olsen	Absent
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license application from Golden Shelving Company located at 1650 East 1700 South was presented to Council for their approval. Joshua Bake stated this was a home occupation business which Mr. Peterson recommended for approval. Joshua stated there would be no painting or staining of the shelves done at this location. Robert Hall **moved** to approve the business license for Golden Shelving. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE
APPROVAL***

Shauna Jo Eves with the Uintah Recreation District had not arrived at this time. Kenneth Reynolds **moved** to table the matter. Gordon Kitchen **seconded** the motion. The motion passed with all voting in the affirmative.

***REQUEST FOR DONATION
TO THE MAYOR'S
HALLOWEEN WALK***

Resolution 15-281 was given to Council for their approval. The resolution was to certify the Naples Justice Court for another four years. The affidavit from Judge Petry was complete and the letter from the City Attorney was also included. Councilman Long wanted to know if anything in the process of moving the court has changed. Mayor Baker said everything is the same, they are just waiting on the County. Kenneth Reynolds **moved** to approve Resolution 15-281. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

***APPROVE RESOLUTION
15-281 RECERTIFYING
NAPLES JUSTICE COURT***

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Absent
Robert Hall	Aye

Council members received a copy of Resolution 15-282 cancelling the Naples City municipal election and each of the following candidates is considered to be elected to the office of City Council: Dan E. Olsen, Kenneth Reynolds, & Gordon Kitchen. Robert Hall **moved** to approve Resolution 15-282. Dennis Long seconded the motion. The motion passed as follows:

***APPROVE RESOLUTION
15-282 CANCELLING THE
NAPLES CITY MUNICIPAL
ELECTION***

Robert Hall	Aye
Dan Olsen	Absent
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Kelly Joseph and Cable Murray with Timberline Engineering presented two change orders for the 500 South 2000 East road project. Mr. Joseph stated the first change order was to increase the culvert on this project from 18" to 24" and to also increase the size of the storm drain box. The change order amount was \$5,241.16. Councilman Kitchen wanted to know why this was not originally engineered that way. Mr. Murray said as they were designing the project they thought the culvert coming across was an 18" and that is what they designed. Mr. Murray said when they dug it up they found the culvert was collapsed and very damaged. Mr. Murray said in order to match the culvert that is installed up above the project, which was 24", they decided to go with the larger size but that led to the need for the larger box. Mr. Murray stated they also could not fit all the needed material onto one truck so there were additional shipping charges. Mr. Joseph said change order No. 3 came about because of the culvert and the extent of the damage to it. He said there were a number of strategies taken to try and line the pipe or to put in a poly pipe but they finally determined they would need to dig it up. He said as they dug up the pipe to replace it they discovered a storm drain line and other utilities crossing the culvert. Mr. Joseph said they had to bring a vac truck in and with the cost of the flowable fill to replace areas of the excavation it turned into a labor intensive fix. Mr. Joseph presented the cost of change order No. 3 which was \$16,862.65. Mr. Murray said it took time to determine what they were dealing with and why and as they tried multiple options to solve the problem it ended up taking a lot of time and money. He said it was definitely something that needed to be fixed and this was a cheaper time to deal with it. Mayor Baker stated he was okay with the requests because he was there and it was something that needed to be fixed. Gordon Kitchen **moved** to approve change orders No. 1 and No. 3. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Absent
Dennis Long	Aye

***APPROVE CHANGE
ORDERS NO. 1 AND NO. 3
FOR 500 S 2000 E
PROJECT***

Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mr. Murray explained change order No. 2. He said they coordinated with Questar Gas on this road project and told them they would be cutting off the hill as part of this project. Mr. Murray said when Questar Gas went through with their new pipeline they were told to go deep, at least six to eight feet deep. Mr. Murray said that was explained to them in discussion meetings and somehow that information never got to the contractor because when they got there the line was not deep, he said maybe about 24" below ground. Mr. Murray said in the interest of the project and to keep it moving forward they determined to have the contractor trench and move the line, with Questar's supervision. Mr. Murray said he feels this needs to be worked out with Questar and that is why this change order was not submitted to Council. Mr. Murray stated he feels like they put forth every effort to avoid this situation and Questar did not follow through.

The first payment for the 500 South 2000 East project was presented to Council for approval. The payment of \$81,535.58 for Stubbs & Stubbs Construction was presented. Mr. Joseph said he reviewed all the items that were being approved with this request and recommended payment approval. Councilman Reynolds wanted to make sure all of the items were completed to the satisfaction of the engineers. Mr. Murray said they have reviewed this and approve it, he felt Stubbs & Stubbs should have submitted for additional items and was surprised they didn't. Gordon Kitchen **moved** to approve \$81,535.58. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Absent
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

An invoice in the amount of \$17,908.50 from Timberline Engineering was submitted for approval. Dennis Long **moved** to approve \$17,908.50. Robert Hall **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
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***APPROVE PAYMENT TO
STUBBS & STUBBS APP
NO. 1***

***APPROVE PAYMENT TO
TIMBERLINE
ENGINEERING FOR 500
SOUTH 2000 EAST
PROJECT***

Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Absent
Robert Hall	Aye

Kenneth Reynolds **moved** to go into a public hearing to open and amend the FY 2015/2016 budget. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

***PUBLIC HEARING TO
OPEN AND AMEND FY
2015/2016 BUDGET***

Nikki Kay explained the budget adjustments being presented. She stated most of the adjustments had to do with the fire station and brining in those revenues and establishing a budget for the expenditures. Nikki also raised concern over the change orders presented for the 500 S 2000 E project because those amounts put the project over budget. Nikki said she needed to know how much additional engineering costs there were going to be in order to determine what those amounts should be.

With no comments from the public, Kenneth Reynolds **moved** to close the public hearing. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Jim Harper requested \$30 per diem to transport the skid steer to Salt Lake City to have a diagnostic test on it. Jim said the skid steer is not working and it would cost \$140 per hour for a technician to come out here to look at it. Kenneth Reynolds **moved** to approve Jim taking the skid steer to Salt Lake City to be worked on and to approve the \$30 travel. Councilman Reynolds asked Jim to check on the warranty. Dennis Long **seconded** the motion. The motion passed with the following vote:

***APPROVE TRAVEL FOR
ROAD DEPARTMENT***

Robert Hall	Aye
Dan Olsen	Absent
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper presented a request to renew the TURN GPS subscription for the road department. Jim said they rely on this and use it quite a bit in their department. Councilman Reynolds wanted to know if it was in his budget. Jim stated it was. Dennis Long **moved** to approve the \$600. Gordon Kitchen **seconded** the motion. The motion passed with the

***APPROVE RENEWAL OF
TURN GPS SUBSCRIPTION***

following vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Absent
Robert Hall	Aye

Joshua Bake told the Council he has been extremely impressed with the efforts of the Chamber of Commerce to showcase Naples and to recognize us. He said they have been wonderful to work with and have included members of the City on their committees. Council members received a copy of an MOU with the Vernal Area Chamber of Commerce and Joshua said Mr. Judd approved the MOU and was impressed with what was included. Joshua turned the time over to Joel Brown with the Chamber. Mr. Brown thanked the Council for allowing them to come and speak. Mr. Brown recognized their President elect, Shelly Sorenson and also Past President, Steve Evans. Mr. Brown explained the many facets of the Chamber and how they are working in the community to make it a better place. Mr. Brown shared a presentation showing the different committees and how each one functions in the community. Steve Evans expressed his appreciation to the Council for their consideration in being able to serve the community as a whole. He said they are committed to making sure Naples is involved. Mayor Baker said he is comfortable with the MOU as presented. Joshua said the commitment of \$20,000 is in the budget and it is only a one year commitment. Gordon Kitchen **moved** to approve entering into the MOU with the Vernal Area Chamber of Commerce. Dennis Long **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Absent
Robert Hall	Aye

Mayor Baker stated they will need to set an item on the next Council agenda to appoint a member to serve on the Chamber Board.

Robert Hall **moved** to go back to item six on the agenda. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye. Shauna Jo Eves with the Recreation

***APPROVE MOU WITH
VERNAL AREA CHAMBER
OF COMMERCE***

***MOTION TO MOVE BACK
TO ITEM SIX ON THE
AGENDA***

District came before the Council to ask if they would be willing to donate to the Mayor's Halloween walk. Ms. Eves stated she understood that things are not good any where in the Basin as far as money goes but she said the Halloween walk is a good way to provide a safe trick or treating event. She said they are already decorating the Recreation District for the walk and carnival and people seem to really enjoy it. Councilman Kitchen said the Council agreed to support the Orchestra this year and wanted to know if there were any funds available. Council members reviewed the budget and what has already been allocated. Councilman Kitchen said with revenues being off about 20% he thought they might need to trim some off what has been donated in the past and he **moved** to contribute \$1,000 this year. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Absent
Robert Hall	Aye

Joshua Bake presented an amendment to phase II of the Farm Subdivision. He stated they have been working on this amendment for a while and everyone recognized it as a need. Joshua said the original plans for the subdivision called for a lot of green space and paths and those have been eliminated. He said the property lines for owners on the north side of phase II would have stopped at the line where the green space would have started. Joshua said Mr. Nash has been working with the property owners to sell the pieces of property that would bring their lots to the middle of the stream running through there. Councilman Kitchen wanted to know if those individuals know the stream that runs through there is a decreed waterway and wondered if something should be in place so they know that. Mayor Baker stated that it really isn't the City's responsibility to deal with that. Councilman Kitchen realized that but said it is always a concern to make sure property owners are aware that the water, even though it runs through their property, does not belong to them. Chief Watkins felt it was important the property owners are told, because it is a misdemeanor if they receive a complaint on it. Councilman Kitchen said he realizes the City can't do anything about it but he felt, as elected official, there should be some responsibility in making property owners aware of the issue. Joshua Bake

***APPROVE AMENDMENT B
TO PHASE II OF THE
FARM SUBDIVISION***

said each property owner that is affected by this will have to sign the final plat. He also reported the Planning Commission unanimously passed the amendment. Kenneth Reynolds moved to approve amendment B to phase II of the Farm Subdivision. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Joshua Bake told the Council bids were received for janitorial services to clean the city office. Joshua said he did not put a name on the contract that was presented to Council because he wanted to meet with the individual first, show them the building, explain the expectations, and the approval would be pending successful completion of a full police background check. Joshua said the person recommended was Tawny Hardy, her bid was \$5,600. Joshua said the current budget for this service is \$8,400 per year. Joshua said he has met with the person and does recommend the Council award the bid to Tawny Hardy. Dennis Long **moved** to approve the recommendation. Robert Hall **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Absent
Robert Hall	Aye

Chief Watkins told the Council that Officer Cannon has successfully completed his six-month probation and asked that he be given the 5% salary increase. Dennis Long **moved** to approve the increase. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Absent
Robert Hall	Aye

Joshua Bake stated he just wanted some Council direction for change orders. He felt it was something that will have to come back to Council as a policy but he did want some direction. He felt most change orders should come through Council but understood there are some instances when decisions have to be made immediately. Joshua said he

***AWARD BID FOR
JANITORIAL SERVICES***

***APPROVE SALARY
INCREASE FOR SIX-
MONTH SUCCESSFUL
EMPLOYEE EVALUATION***

***COUNCIL DISCUSSION
REGARDING APPROVAL
PROCESS FOR CHANGE
ORDERS***

would like to investigate what other communities do and bring back a proposed policy to receive input from the Council. Councilman Long wanted to know if he was going to put a dollar amount on the change orders. Joshua said they could look at that. Councilman Kitchen said there should be a contingency amount built into projects to help cover change orders. Joshua said they try and do that but needed some type of policy to help determine what action to take. This was for discussion only and no action was taken on this matter.

Robert Hall **moved** to convene into a meeting of the Local Building Authority. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***CONVENE INTO LOCAL
BUILDING AUTHORITY
TO AUTHORIZE
PAYMENT TO B.H.I.***

Dennis Long **moved** to reconvene back into regular city council meeting. Kenneth Reynolds **seconded** the motion. The motion passed with all voting in the affirmative.

Mayor Baker reminded Nikki to put the appointment to the Chamber Board on the next agenda.

***OTHER MATTERS OR
FUTURE COUNCIL
MATTERS***

Mayor Baker also thought they should put a discussion about the radiation van on the next agenda to share information obtained after the meeting with Vernal City on this matter.

With no other business before the Council, Robert Hall **moved** to adjourn the City Council meeting at 9:00 p.m. Gordon Kitchen **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 22nd DAY OF OCTOBER 2015

BY: _____

ATTEST: _____